

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|-------------------------------|---|----------------------------------|
| ----- | x | |
| ANDIN INTERNATIONAL, INC., | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| -against- | : | Civil Action No. 08 cv 1159 (HB) |
| | : | |
| YURMAN STUDIO, INC., | : | |
| | : | |
| Defendant. | : | |
| ----- | x | |
| YURMAN STUDIO, INC., | : | |
| | : | |
| Defendant- | : | |
| Counterclaimant, | : | |
| | : | |
| -against- | : | |
| | : | |
| ANDIN INTERNATIONAL, INC. and | : | |
| VARDI GEM LUSTRE, LLC | : | |
| | : | |
| Counterclaim- | : | |
| Crossclaim Defendants. | : | |
| ----- | x | |

**REPLY DECLARATION OF ALLISON CAIRE AUCOIN
IN SUPPORT OF ANDIN'S MOTION FOR SUMMARY
JUDGMENT**

Allison Caire Aucoin declares as follows:

1. I am an associate at Troutman Sanders LLP, counsel for Plaintiff Andin International, Inc.
2. On April 14, 2008, Andin noticed the deposition of Paul Blum. After discussion, counsel for both sides determined that Mr. Blum would be deposed on

Friday May 9, 2008. On Thursday May 8, 2008, Yurman indicated that Mr. Blum needed to reschedule. On Monday June 9, 2008, we were informed that Mr. Blum would not be made available for a deposition, but that Andin could depose Ms. Pennelli, and Yurman would advise as to her availability. On Friday June 13, 2008, Yurman's counsel indicated that Ms. Pennelli would be available for a deposition on Friday June 20, 2008, but thereafter indicated that Ms. Pennelli would be unavailable on that date.

3. Attached as Exhibit A is a true and correct copy of Defendant Yurman Studio Inc.'s Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a).

4. Attached as Exhibit B is a true and correct copy of Defendant Yurman Studio Inc.'s Supplement to Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a).

I declare under penalty of perjury that the foregoing is true and correct.

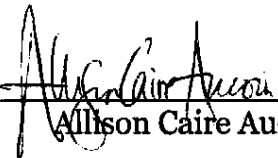

Allison Caire Aucoin

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
ANDIN INTERNATIONAL, INC.

Plaintiff,

- against -

YURMAN STUDIO, INC.

Defendant.

Civil Action No. 08 cv 1159 (HB)

----- X
YURMAN STUDIO, INC.

Defendant-
Counterclaimant,

- against -

ANDIN INTERNATIONAL, INC.
and VARDI GEM LUSTRE, LLC

Counterclaim-
Crossclaim Defendants.

----- X
**DEFENDANT-COUNTERCLAIMANT YURMAN STUDIO, INC.'S INITIAL
DISCLOSURES PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)**

Defendant-Counterclaimant Yurman Studio, Inc. ("Yurman") provides the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

A. Set forth below are the identities of individuals likely to have discoverable information that Yurman may use to support the claims alleged in the pleadings. Yurman's response is based on information presently available to it, and reserves the right to supplement this list as discovery progresses.

Subject to these qualifications, Yurman discloses the following:

1. Janet Hayward
Yurman Studio, Inc.
24 Vestry Street
New York, New York
Ph: 212-895-1550
2. Mr. Ofir Azrielant
Andin International, Inc.
609 Greenwich Street
New York, New York
Ph: 212-886-8000
3. Ms. Ramona Azulay
Andin International, Inc.
609 Greenwich Street
New York, New York
Ph: 212-886-8000
4. Hannah Samala
Andin International, Inc.
609 Greenwich Street
New York, New York
Ph: 212-886-8000
4. Mr. Moshe Vardi
Vardi Gem Lustre LLC
31-00 47th Ave #2
Long Island City, New York

B. Yurman identifies its copyright, registrations, samples, design documents, and advertising and promotional documents for the products at issue, which will be produced for inspection at the offices of Arnold & Porter LLP, as documents and tangible thing in its possession, custody or control that Yurman may use to support its claims. As investigation and analysis are ongoing, Yurman reserves the right to supplement this list as discovery progresses.

C. Pursuant to 17 U.S.C. § 504, Yurman seeks to recover any actual damages suffered by it as a result of the infringement and any profits of Andin International Inc.

("Andin") and Vardi Gem Lustre LLC ("Vardi") attributable to their infringement of Yurman's copyright. Because such damages depend upon the volume of sales or profits realized by Andin and Vardi from their unlawful acts, which will be determined through discovery, Yurman cannot calculate its damages at this time. Alternatively, Yurman may elect to seek recovery of up to \$150,000 in statutory damages for the willful infringement of the copyright at issue in this action.

Pursuant to 15 U.S.C. § 1117, Yurman also seeks to recover any actual damages suffered by it as a result of the infringement and any profits of Andin and Vardi attributable to their infringement of Yurman's trade dress. Because such damages depend upon the volume of sales or profits realized by Andin and Vardi from their unlawful acts, which will be determined through discovery, Yurman cannot calculate its damages at this time.

In addition, Yurman seeks recovery of its reasonable attorneys' fees, taxable costs, disbursements, and punitive damages which cannot be specified at this time.

D. Yurman is not a party to any insurance agreements under which any person carrying on an insurance business may be liable to satisfy all or part of a judgment that may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: New York, New York
March 21, 2008

ARNOLD & PORTER LLP

By:

Mark Sprie

Louis S. Ederer

Marla Eisland Sprie

John Maltbie

399 Park Avenue

New York, NY 10022

(212) 715-1000

Louis.Ederer@aporter.com

Marla.Sprie@aporter.com

John.Maltbie@aporter.com

*Attorneys for Defendant-
Counterclaimant Yurman Studio, Inc.*

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- x
ANDIN INTERNATIONAL, INC.

Plaintiff,

- against -

YURMAN STUDIO, INC.

Defendant.

Civil Action No. 08 cv 1159 (HB)

----- x
YURMAN STUDIO, INC.

Defendant-
Counterclaimant,

- against -

ANDIN INTERNATIONAL, INC.
and VARDI GEM LUSTRE, LLC

Counterclaim-
Crossclaim Defendants.

----- x
**DEFENDANT-COUNTERCLAIMANT YURMAN STUDIO,
INC.'S SUPPLEMENT TO INITIAL DISCLOSURES
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)**

Defendant-Counterclaimant Yurman Studio, Inc. ("Yurman") hereby supplements its
initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure to add the

following individuals likely to have discoverable information that Yurman may use to support the claims or defenses in the pleadings:

Paul Blum
Yurman Studio, Inc.
24 Vestry Street
New York, New York

David Yurman
Yurman Studio, Inc.
24 Vestry Street
New York, New York

Dated: New York, New York
April 22, 2008

ARNOLD & PORTER LLP

By: Marla Sprie
Louis S. Ederer
Marla Eisland Sprie
John Maltbie
399 Park Avenue
New York, NY 10022
(212) 715-1000
Louis.Ederer@aporter.com
Marla.Sprie@aporter.com
John.Maltbie@aporter.com

*Attorneys for Defendant-
Counterclaimant Yurman Studio, Inc.*